

May 19, 1981

LB 243  
LR 187

SENATOR CLARK: All right. We will then go to. . .the Clerk has to read some things in first.

CLERK: Mr. President, a new resolution, LR 187. Read LR 187. Pursuant to our rules, Mr. President, that will be laid over.

Mr. President, I have an explanation of vote offered by Senator Koch. (See page 2109 of the Legislative Journal).

SENATOR CLARK: We are now ready for item number five, LB 243.

CLERK: Mr. President, LB 243 was a bill introduced by Senator Schmit, (Read title of LB 243). The bill was first read on January 16th, referred to Ag and Environment hearing. The committee amendments were adopted by the body, Mr. President, on April 10th. At that time there was an amendment from Senator Schmit that was adopted. On a motion to advance the bill failed to advance on April 10th. The bill was again considered by the body on May 12th. At that time on a motion to advance the bill failed to advance. I now have pending amendments offered by Senator Schmit that are found on page 2083 of the Journal, Mr. President.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, these are the same amendments which I offered to LB 146 which we then withdrew. I would like to explain them briefly. There was objection to the original bill because of the fact that it seemed to be difficult to determine what percentage of a project might be beneficial as to the recreational benefits and what portion would be attributed to other benefits. So, the amendments that I have offered are number one, that it shall be the duty of the Board of Directors of the Natural Resource District to make a determination of the percentage of project benefits assessed to each of the purposes listed in Section 2-3229 prior to initiation of eminent domain proceedings, then this is the critical part, such determinations shall be prima facie evidence and any subsequent litigation in which the exercise of the power of eminent domain is at issue. What we are saying is that this should remove the objection that was stated upon a number of occasions that it would be difficult to determine which percentage of benefits could accurately be assessed to the various areas. I would hope that this would calm some of those fears. The second portion of the amendment provides that in the event the Board of Directors of the Natural Resource Districts finds that it is important to an area to construct